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Docket No. 19421.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : MICHAEL D. BASS and DONNA S. SULLIVAN BASS

SERIAL NO.: 10/004,295 ART UNIT: UNASSIGNED

FILED : DECEMBER 6, 2001 EXAMINER: UNASSIGNED

FOR : AUTOMATED JOB TRAINING AND PERFORMANCE TOOL

BOX OIPE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL
APPLICATION, FILED UNDER 37 CFR 1.53(b); FILING DATE GRANTED, AND
REQUEST FOR NON-CHARGE OF PETITION FEE - CLEAR PATENT AND
TRADEMARK OFFICE ERROR, 37 CFR 1.377

Sir:

This communication is responsive to the Office Notice dated February 13, 2002, (Part 2 Copy attached), the time for responding thereto being on or before April 14, 2002.

Applicant elects option I. with this response. Specifically, Applicant contends that the noted "missing" item, Figure 17D described in the specification, was indeed filed with the rest of the application papers on December 6, 2001, and later was either misplaced or lost in the OIPE.

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OFFICE OF PETITIONS

Any petition fee deemed to be due (e.g., \$130.00, 37 CFR 1.17(h)) may be charged to our deposit account 12-1662.

Submitted herewith are the following three items: 1) a copy of the application papers (less copies of the references cited on the form PTO-1449) as filed at the attorney's window, USPTO in Crystal City, Virginia on December 6, 2001; 2) A copy of the filing receipt, stamped by USPTO personnel and noting receipt of 98 drawing sheets containing 98 drawing figures; and 3) a Declaration by the undersigned who assembled and double-checked this application for completeness and accuracy just prior to its filing on December 6, 2001.

As to item 1), it is to be noted that the applicant's attorney's file copy of the application, made just before the original of the application was filed at the USPTO, does indeed include Figure 17D. As to item 2), the USPTO OIPE stamp thereon (clerk JC177) verifies that all of the papers checked on the receipt, including Figure 17D, were received by the USPTO on December 6, 2001.

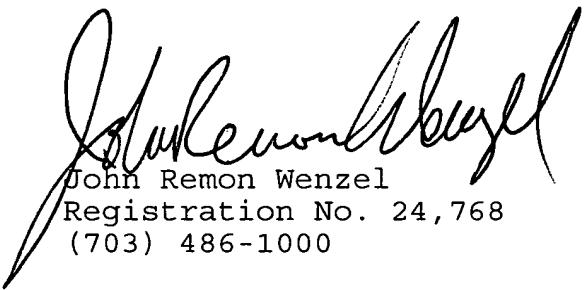
As to item 3, the following facts are noted. The undersigned copied the application just before filing and then hand counted and check each sheet to assure that the application was reassembled correctly for filing. The application was then taken by other personnel to the USPTO attorney's window and filed that same day, December 6, 2001.

OIPE personnel are respectfully reminded that great care must be taken when handling any papers, especially new application

papers. When a filed application is later dismembered for recording and reassembly into a USPTO file jacket, even greater care must be exercised to assure that papers are not lost or misplaced.

It is respectfully requested that this application be considered as filed complete on December 6, 2001, and that no petition fee be charged in view of the clear USPTO error as noted above. It is further respectfully requested that the application now be sent on for formal examination on its merits.

Respectfully submitted,



John Remon Wenzel
Registration No. 24,768
(703) 486-1000

JRW

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LITMAN LAW
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/004,295	12/06/2001	Michael D. Bass	19421.00

CONFIRMATION NO. 8611

FORMALITIES LETTER



OC000000007469120

Richard C. Litman
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington, VA 22215

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Date Mailed: 02/13/2002



NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 17D described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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Mojuru
A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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SEP 11 2002
OFFICE OF PETITIONS

TO: THE COMMISSIONER OF PTO

THE FOLLOWING CIRCLED ITEM(S) ARE FILED HEREWITH IN THE PTO.
PLEASE ACKNOWLEDGE RECEIPT HEREON WITH THE APPROPRIATE DATE STAMP
AND RETURN THIS RECORD:

Pat. Appl. 51 pgs.

Pat. Amdt. ____ pgs.

Pat. Mtnc. Fee Form

Pat. Issue Fee Form (PTO 85(b))

Verified Small Entity Stmt.

Declaration/Power of Atty.

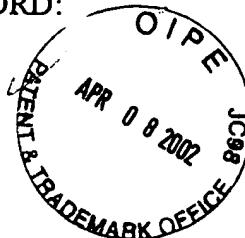
Associate Power of Atty.

Pet./Time Extension

Information Disc. Stmt.

Assignment

Check for \$ 310 00



TM Appl. ____ pgs.

TM Renewal Appl.

TM Aff. 8 and/or 15

Notice of Opposition

Notice of Appeal

Appeal Brief

Formal Dwg. 98 sheets & 98 Figs.

Informal Dwg ____ sheets & ____ Figs.

Other TRANSMITTAL SHEET

Other PTO-1449W 17 REFS

Other _____

In Re Application of: MICHAEL J. BASS AND DONNA S. SULLIVAN BASS

Serial No. NEW

Atty. Dkt. No. 19421.00

DATE STAMP

RBL
NEW
(DUE 12/6/2001)

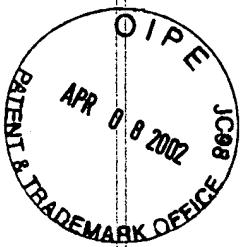
BEST AVAILABLE COPY

FILE COPY

FILE COPY

Attorney's Docket No. 19421.00

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231
SIR:



Transmitted herewith for filing is the utility patent
application of: MICHAEL D. BASS AND
DONNA S. SULLIVAN BASS

For: AUTOMATED JOB TRAINING AND PERFORMANCE TOOL

Enclosed are:

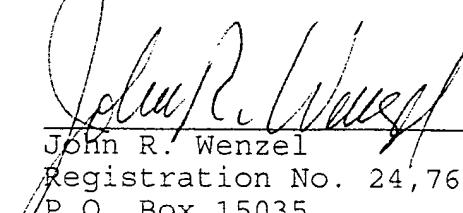
1. Patent Application, 51 sheets
2. 98 Sheets of Formal drawings, 98 figures
3. Combined Declaration and Power of Attorney, 2 sheets
4. Verified Statement Claiming Small Entity Status, 1 sheets
5. Associate Power of Attorney, 1 sheet
6. Information Disclosure Statement
7. Form PTO-1449, with 17 references
8. Filing Fee in the amount of \$370.00

The filing fee has been calculated as shown below:

BASIC FEE	SMALL ENTITY	\$370.00
TOTAL CLAIMS	(19 - 20 = 0) x 9	\$ 0.00
IND. CLAIMS	(3 - 3 = 0) x 42	\$ 0.00
TOTAL		<u>\$370.00</u>

Additional fees due, if any, in connection with this filing
only may be charged to Deposit Account No. 12-1662 of the
undersigned.

Respectfully Submitted,


John R. Wenzel
Registration No. 24,768
P.O. Box 15035,
Crystal City Station
Arlington, VA 22215-0035
(703) 486-1000
Attorney for Applicant

LITMAN LAW OFFICES, LTD.

★ JAMESMONROE BANK

TRUST ACCOUNT
P.O. BOX 15035
ARLINGTOM, VA 22215
PH. 703-466-1000

68-885/560

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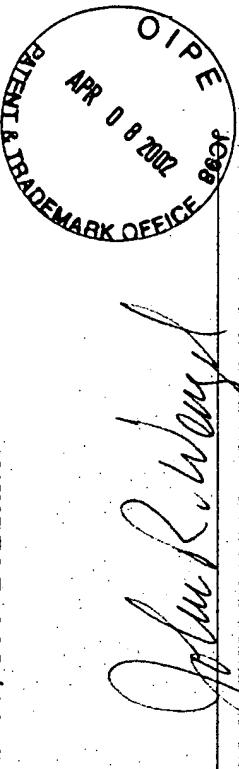
PAY

*** THREE HUNDRED SEVENTY & 00/100 DOLLARS

TO THE COMM OF PATENTS AND TRADEMARKS
ORDER OF

FILING FEE BASS 19421.00

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12/06/01 21259 *** \$370.00

NUMBER

DATE

AMOUNT

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